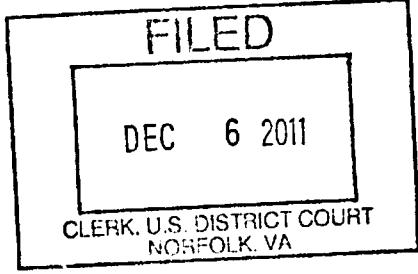


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

THOMAS EUGENE MONROE, # 381483-1202255



Petitioner,

v.

ACTION NO. 2:11cv77

HAROLD W. CLARKE, Director of the
Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions for second degree murder, use of a firearm to commit murder, and assault and battery in November, 2007, in the Circuit Court of Caroline County, as a result of which he was sentenced to serve a total of twenty-seven years and six months in prison.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation filed October 31, 2011, recommends dismissal of the petition. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On November 7, 2011 the Petitioner requested leave for additional time to file his response to the Report and Recommendation, which the Court granted on November 8, 2011. On November 14, 2011, the Court received petitioner's Objections to the Report and Recommendation, which were timely filed.

The respondent filed no response to the objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed October 31, 2011. It is, therefore, ORDERED that respondent's Motion to Dismiss be GRANTED and the petitioner's petition be DENIED and DISMISSED without prejudice.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

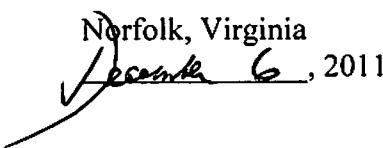
Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to petitioner and counsel of record for respondent.


Raymond A. Jackson
United States District Judge

RAYMOND A. JACKSON
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

 December 6, 2011